

10-11-01

03A0

EXPRESS MAIL CERTIFICATE

DATE 10/9/01 LABEL NO. EL 767725544 US

I HEREBY CERTIFY THAT, ON THE DATE INDICATED ABOVE
THIS PAPER OR FEE WAS DEPOSITED WITH THE U.S. POSTAL SERVICE
& THAT IT WAS ADDRESSED FOR DELIVERY TO THE ASSISTANT COMMISSIONER
OF PATENTS & TRADEMARKS, WASHINGTON, DC 20231 BY "EXPRESS
MAIL POST OFFICE TO ADDRESSEE" SERVICE.

A. DiCullo A. DiCullo
NAME (PRINT) SIGNATURE

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CREDIT ANY EXCESS IN THE FEES DUE WITH THIS
DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No.: 3193/0E966

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dirk NEUBAUER ET AL.

Serial No: 09/218,761

Confirmation No. 2666

Filed: December 22, 1999

For: TRANSMISSION

RESPONSE TO NOTICE OF TERMINATION
OF PROCEEDINGS UNDER 37 CFR 1.53(E)

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

It is respectfully requested that the Notice of Termination of Proceedings Under 37 CFR 1.53(e) mailed August 6, 2001 in the above-identified patent application be withdrawn for the reasons explained below.



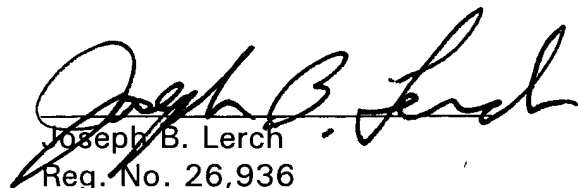
The notice states that the application did not meet the requirements of 37 CFR. 1.53(b), (c), or (d), and that the filing errors specified in the notice mailed were not timely corrected. Neither of these situations is true.

This application, in fact, complies with every requirement of 37 CFR 1.53. The notice referred to simply indicated that the application was filed in a language other than English and gave a period of two months in which to file all of the requirements. However, by the date of the notice (March 1, 2000), the applicant had already filed an English translation. This was, in fact, filed on August 25, 1999, at which time the required surcharge was also paid. Accordingly, the only notice mailed in this application did not indicate anything that was missing and could not be responded to.

To date, the U.S.P.T.O. has still not indicated to the applicant any respect in which the present application is deficient.

Accordingly, it is respectfully requested that both the notice of termination and the notice to file missing parts be withdrawn and that this application be restored to an active state.

Respectfully submitted,


Joseph B. Lerch
Reg. No. 26,936
Attorney For Applicant(s)

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022
(212) 527-7700



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/218,761	12/22/1999	DIRK NEUBAUER	2338/OE966

HENRY STERNBERG
DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022



CONFIRMATION NO. 2666
ABANDONMENT/TERMINATION
LETTER



Date Mailed: 08/06/2001

NOTICE OF TERMINATION OF PROCEEDINGS UNDER 37 CFR 1.53(e)

Proceedings on the above-identified application number are **TERMINATED**.

The application did not meet the requirements of 37 CFR 1.53(b), (c), or (d) to be entitled to a filing date, and the filing error(s) specified in the Notice mailed on were not timely corrected (37 CFR 1.53(e)).

The \$ 1280 fee submitted with the application, less a \$130.00 handling fee, will be refunded or credited to your deposit account.

A copy of this notice MUST be returned with the reply.

Deshie E. Day

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Return of this card properly stamped, will acknowledge receipt of:
Completion of Patent Application: t of:

f Specification (26 pages w/Abstract),
Pet. for Ext. of Time (5 months),
Declaration (5 pages)

Assignment (w/PTO-1595 4 pages)

Check No. 8933 for \$1,320.00

Check No. 8934 for \$1,850.00

Applicant : Dirk Neubauer et al.
Serial No. : 09/218,761
Filed : 12/22/98
For : TRANSMISSION

Attorney : H. STERNBERG/PKK/eag
File No. : 2338/0E966

Return of this card properly stamped, will acknowledge receipt of:
Completion of Patent Application:
f Specification (26 pages w/Abstract),
Pet. for Ext. of Time (5 months),
Declaration (5 pages)

Assignment (w/PTO-1595 4 pages)
Check No. 8933 for \$1,320.00
Check No. 8934 for \$1,850.00

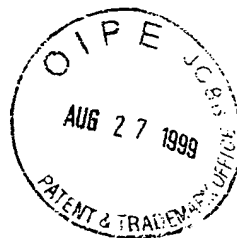
Applicant : Dirk Neubauer et al.
Serial No. : 09/218,761
Filed : 12/22/98
For : TRANSMISSION

Attorney : H. STERNBERG/PKK/eag
File No. : 2338/0E966

Mailed : 8-24-99

M: 2338/0E966/EAG7617

Mailer: DP



Return of this card properly stamped, will acknowledge receipt of:
Completion of Patent Application: t of:
Specification (26 pages w/Abstract),
Pet. for Ext. of Time (5 months),
Declaration (5 pages)
Assignment (w/PTO-1595 4 pages)
Check No. 8933 for \$1,320.00
Check No. 8934 for \$1,850.00

Applicant : Dirk Neubauer et al.
Serial No. : 09/218,761
Filed : 12/22/98
For : TRANSMISSION

Attorney : H. STERNBERG/PKK/eag
File No. : 2338/OE966

Mailed : 8-24-99

Mailer: DP

M: 233810E966EAG7617

DARBY & DARBY PROFESSIONAL PATENT OFFICE 805 THIRD AVE. NEW YORK, NY 10022		1-81640 210 43348074 DATE <u>8-24-99</u>	8933
PAY TO THE ORDER OF		COMMISSIONER OF PATENTS & TRADEMARKS	
		\$ 1,320 ⁰⁰ / ₁₀₀	
One Thousand Three hundred Twenty		DOLLARS	
CITIBANK CITIBANK, N.A. 153 EAST 53RD STREET SORT #2416 NEW YORK, NY 10043		THE CITIBANK PRIVATE BANK	
MEMO <u>218,761 / OE966</u>		<u>Gabriella Karasz</u> NP	
⑆021000089⑆		43348074 8933	

DARBY & DARBY PROFESSIONAL PATENT OFFICE 805 THIRD AVE. NEW YORK, NY 10022		1-81640 210 43348074 DATE <u>8-24-99</u>	8934
PAY TO THE ORDER OF		COMMISSIONER OF PATENTS & TRADEMARKS	
		\$ 1,850 ⁰⁰ / ₁₀₀	
One Thousand Eight hundred Fifty		DOLLARS	
CITIBANK CITIBANK, N.A. 153 EAST 53RD STREET SORT #2416 NEW YORK, NY 10043		THE CITIBANK PRIVATE BANK	
MEMO <u>218,761 / OE966</u>		<u>Gabriella Karasz</u> NP	
⑆021000089⑆		43348074 8934	

CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, DC 20231,

on August 24, 1999 (Date of Deposit)

8/24/99
Date

Beck
Name

File No.: 2338/OE966

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dirk Neubauer, Dirk Heintzen and Detlef Axmacher

Serial No.: 09/218,761

Filed: 12/22/98

For: TRANSMISSION

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

COMPLETION OF PATENT APPLICATION

The following items are submitted herewith in completion of the above-identified patent application:

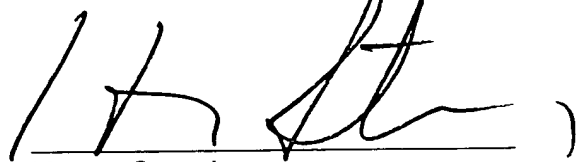
1. Declaration, petition and power of attorney
2. Check in the amount of \$1,320.00, (\$760.00 filing; \$40.00 recording, \$130.00 late filing fee; \$130.00 english translation, \$260.00 multiple claims) (See attached Fee Computation Sheet)
3. ☒ Assignment for recording to: AFT Atlas Fahrzeugtechnik GmbH

The Patent Office is authorized to charge any deficiency in the above

fees, and to credit any excess, to our Deposit Account No. 4-0100.

Dated: August 24, 1999

Respectfully submitted

A handwritten signature in black ink, appearing to be 'H. Sternberg', written over a horizontal line.

Henry Sternberg
Reg. No. 22,408
Attorney for Applicant(s)

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022
212-527-7700

(D&DForms/PTO-5)

PATENT FEE COMPUTATION SHEET

	No. of Claims Presented	Extra Claims Previously Paid For	Number of Extra Claims	Rate
Basic Fee				\$760.00
Total Claims	20 - 20	0 - =	x \$18.00	\$0.00
Independent Claims	2 - 3	0 - =	x \$78.00	\$0.00
Multiple Dependent Claims		x- if so, add	\$260.00	\$260.00
Surcharge for late submission of filing fee and/or declaration (\$130.00)				\$130.00
SUBTOTAL				\$1,150.00
Fee for recordation of assignment (\$40.00)				\$40.00
Charge for filing non-English language application (\$130.00)				\$130.00
TOTAL				\$1,320.00

CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, DC 20231,

on August 24, 1999 (Date of Deposit)

8/24/99
Date

D Beck
Name

File No.: 2338/OE966

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dirk Neubauer, Dirk Heintzen and Detlef Axmacher

Serial No.: 09/218,761

Filed: 12/22/98

For: **TRANSMISSION**

PETITION FOR EXTENSION OF TIME

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

This is a petition to extend the time for filing a response to the Office Action dated January 25, 1999 in the above-identified patent application.

The extensions of time indicated below are required and have not yet been granted:

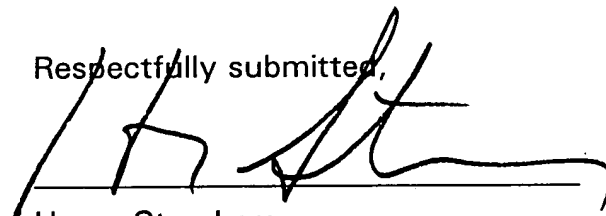
(in spaces at right enter fee for each indicated extension)

<input type="checkbox"/>	first month, fee \$110	\$
<input type="checkbox"/>	second month, fee \$270 (\$380)	\$
<input type="checkbox"/>	third month, fee \$490 (\$870)	\$
<input type="checkbox"/>	fourth month, fee \$490 (\$1,360)	\$
<input checked="" type="checkbox"/>	fifth month, fee \$490 (\$1,850)	<u>\$1,850.00</u>
SUBTOTAL		= <u>\$1,850.00</u>
(If applicant is a "small entity", subtract half of subtotal) (Less)		- <u>\$0.00</u>
TOTAL		<u>\$1,850.00</u>

A check for the TOTAL amount shown above is enclosed to cover the extension fee. The Commissioner is authorized to charge any deficiency or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: August 24, 1999

Respectfully submitted,



Henry Sternberg
Reg. No. 22,408
Attorney for Applicant(s)

DARBY & DARBY P.C.
805 Third Avenue
New York, New York 10022
212-527-7700

(D&DForms/PTO-13)

M:PTOP/PTO-13

2338/0E966

Declaration and Power of Attorney For Patent Application
Erklärung Für Patentanmeldungen Mit Vollmacht
German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

dass mein Wohnsitz, meine Postanschrift, und meine Staatsangehörigkeit den im Nachstehenden nach meinem Namen aufgeführten Angaben entsprechen,

dass ich, nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent beantragt wird für die Erfindung mit dem Titel:

Getriebe

deren Beschreibung

(zutreffendes ankreuzen)

☐ hier beigelegt ist.

☒ am December 22, 1998 unter der

Anmeldungsseriennummer 09/218,761

eingereicht wurde und am
abgeändert wurde (falls tatsächlich abgeändert).

Ich bestätige hiermit, dass ich den Inhalt der obigen Patentanmeldung einschliesslich der Ansprüche durchgesehen und verstanden habe, die eventuell durch einen Zusatzantrag wie oben erwähnt abgeändert wurde; dass der Inhalt derselben nach meinem besten Wissen und Glauben noch nie für meiner oder unserer Erfindung ihres Gegenstandes in den Vereinigten Staaten von Amerika bekannt war oder benutzt oder patentiert oder vor meiner oder unserer Erfindung oder vor mehr als einem Jahr vor dem Tag dieser Anmeldung in irgendeinem Land in irgendwelchen gedruckten Veröffentlichungen beschrieben wurde; dass dieselbe vor mehr als einem Jahr vor dem Tag ihrer Anmeldung in den Vereinigten Staaten von Amerika weder in öffentlichem Gebrauch war noch zum Verkauf angeboten wurde; dass diese Erfindung vor dem Tag ihrer Anmeldung in keinem ausländischen Land ausserhalb der Vereinigten Staaten von Amerika patentiert wurde oder der Gegenstand einer Erfinder-Urkunde in einer Patentanmeldung war, die von mir oder von meinen gesetzlichen Vertretern oder Rechtsnachfolgern vor mehr als zwölf Monaten vor dem Tag dieser Anmeldung hinterlegt wurde.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TRANSMISSION

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on December 22, 1998 as

Application Serial No. 09/218,761

and was amended on
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe that the invention was ever known or used in the United States of America before my or our invention thereof; that I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

GERMAN LANGUAGE DECLARATION

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäss Abschnitt 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 119 aller unten angegebenen Auslandsanmeldungen für ein Patent oder eine Erfindersurkunde, und habe auch alle Auslandsanmeldungen für ein Patent oder eine Erfindersurkunde nachstehend gekennzeichnet, die ein Anmeldedatum haben, das vor dem Anmeldedatum der Anmeldung liegt, für die Priorität beansprucht wird.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior foreign applications
Priorität beansprucht

Priority Claimed

197 57 471.8

Federal Republic Germany

23 December 1997

☒

☐

Yes
Ja

No
Nein

(Number)
(Nummer)

(Country)
(Land)

(Day/Month/Year Filed)
(Tag/Monat/Jahr eingereicht)

☐

☐

Yes
Ja

No
Nein

(Number)
(Nummer)

(Country)
(Land)

(Day/Month/Year Filed)
(Tag/Monat/Jahr eingereicht)

☐

☐

Yes
Ja

No
Nein

(Number)
(Nummer)

(Country)
(Land)

(Day/Month/Year Filed)
(Tag/Monat/Jahr eingereicht)

Ich beanspruche hiermit gemäss Absatz 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 120, den Vorzug aller unten aufgeführten Anmeldungen und falls der Gegenstand aus jedem Anspruch dieser Anmeldung nicht in einer früheren amerikanischen Patentanmeldung laut dem ersten Paragraphen des Absatzes 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 112 offenbart ist, erkenne ich gemäss Absatz 37, Bundesgesetzbuch, Paragraph 1.56(a) meine Pflicht zur Offenbarung von Informationen an, die zwischen dem Anmeldedatum der früheren Anmeldung und dem nationalen oder PCT internationalen Anmeldedatum dieser Anmeldung bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)
(Anmeldeseriennummer)

(Filing Date)
(Anmeldedatum)

(Status)
(patentiert, anhängig,
aufgegeben)

(Status)
(patented, pending,
abandoned)

(Application Serial No.)
(Anmeldeseriennummer)

(Filing Date)
(Anmeldedatum)

(Status)
(patentiert, anhängig,
aufgegeben)

(Status)
(patented, pending,
abandoned)

GERMAN LANGUAGE DECLARATION

Ich erkläre hiermit, dass alle von mir in der vorliegenden Erklärung gemachten Angaben nach meinem besten Wissen und Gewissen der vollen Wahrheit entsprechen, und dass ich diese eidesstattliche Erklärung in Kenntnis dessen abgebe, dass wissentlich und vorsätzlich falsche Angaben gemäss Paragraph 1001, Absatz 18 der Zivilprozessordnung der Vereinigten Staaten von Amerika mit Geldstrafe belegt und/oder Gefängnis bestraft werden können, und dass derartig wissentlich und vorsätzlich falsche Angaben die Gültigkeit der vorliegenden Patentanmeldung oder eines darauf erteilten Patentes gefährden können.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

VERTRETUNGSVOLLMACHT: Als benannter Erfinder beauftrage ich hiermit den nachstehend benannten Patentanwalt (oder die nachstehend benannten Patentanwälte) und/oder Patent-Agenten mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Geschäfte vor dem Patent-und Warenzeichenamt: *(Name und Registrationsnummer anführen)*

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Gordon D. Coplein #19,165, William F. Dudine, Jr. #20,569, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Harold E. Wurst #22,183, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Beverly B. Goodwin #28,417, Adda C. Gogoris #29,714, Martin E. Goldstein #20,869, Bert J. Lewen #19,407, Henry Sternberg #22,408, Robert A. Green #28,301, Peter C. Schechter #31,662, Robert Schaffer #31,194, David R. Francescani #25,159, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448

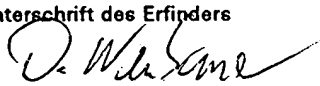
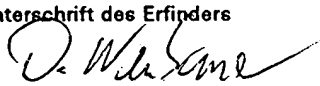
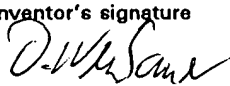
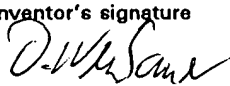
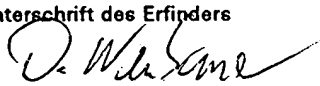
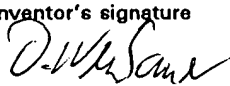
Telefongespräche bitte richten an:
(Name und Telefonnummer)

Direct Telephone Calls to: *(name and telephone number)*

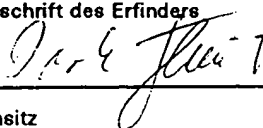
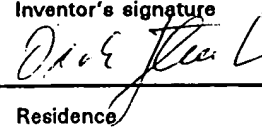
Henry Sternberg (212) 527-7700

Postanschrift: Darby & Darby P.C.
805 Third Avenue
New York, N.Y. 10022

Send Correspondence to: Darby & Darby P.C.
805 Third Avenue
New York, N.Y. 10022

Voller Name des einzigen oder ursprünglichen Erfinders: Dirk Neubauer	Full name of sole or first inventor Dirk Neubauer								
<table style="width: 100%;"> <tr> <td style="width: 50%;">Unterschrift des Erfinders</td> <td style="width: 50%;">Datum</td> </tr> <tr> <td style="text-align: center;"></td> <td style="text-align: center;">04.03.99</td> </tr> </table>	Unterschrift des Erfinders	Datum		04.03.99	<table style="width: 100%;"> <tr> <td style="width: 50%;">Inventor's signature</td> <td style="width: 50%;">Date</td> </tr> <tr> <td style="text-align: center;"></td> <td style="text-align: center;">04.03.99</td> </tr> </table>	Inventor's signature	Date		04.03.99
Unterschrift des Erfinders	Datum								
	04.03.99								
Inventor's signature	Date								
	04.03.99								
Wohnsitz Nachrodt-Wiblingwerde, Bundesrepublik Deutschland	Residence Nachrodt-Wiblingwerde, Federal Republic Germany								
Staatsangehörigkeit Deutsch	Citizenship German								
Postanschrift Deierter Weg 1b, 58769 Nachrodt-Wiblingwerde, Bundesrepublik Deutschland	Post Office Address Deierter Weg 1b, 58769, Nachrodt-Wiblingwerde, Federal Republic Germany								

GERMAN LANGUAGE DECLARATION

Voller Name des zweiten Miterfinders (falls zutreffend) Dirk Heintzen	Full name of second joint inventor, if any Dirk Heintzen
Unterschrift des Erfinders 	Inventor's signature 
Datum 99-03-03	Date 99-03-03
Wohnsitz Hagen, Bundesrepublik Deutschland	Residence Hagen, Federal Republic Germany
Staatsangehörigkeit Deutsch	Citizenship German
Postanschrift Mühlenbrinkstrasse 50, 58089 Hagen, Bundesrepublik Deutschland	Post Office Address Mühlenbrinkstrasse 50, 58089 Hagen, Federal Republic Germany

(Bitte entsprechende Informationen und Unterschriften im Falle von dritten und weiteren Miterfindern angeben.)

(Supply similar information and signature for third and subsequent joint inventors.)

EDUCATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

i. Name of conveying party(ies):

Dirk Neubauer, Dirk Heintzen and Detlef Axmacher

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: 3/4/99, 3/3/99 and 3/4/99

ii. Name and address of receiving party(ies):

Name: **AFT Atlas Fahrzeugtechnik GmbH**

Internal Address:

Street Address: **Gewerbestrasse 14,**

City: **Werdohl** Country: **Federal Republic Germany**
Zip: **58791**

Additional name(s) & address(es) attached? ☐ Yes ☒ No

Application number(s) or patent number(s):

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09/218,761

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